

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CHAD BARRY BARNES,
Plaintiff,

v.

SEA HAWAII RAFTING, LLC,
KRIS HENRY, M/V TEHANI,
et al.
Defendants.

Civ. No. 13-00002 ACK-RLP

DIRECTIVE TO THE UNITED STATES
BANKRUPTCY COURT FOR THE DISTRICT OF HAWAII

Pursuant to the decision of the Ninth Circuit in Barnes v. Sea Hawaii Rafting, LLC, 889 F.3d 517 (9th Cir. 2018), this Court directs that the bankruptcy court transfer to this Court the \$10,000.00 in rental income which the bankruptcy court received for use of the M/V Tehani, and which this Court understands is held in the bankruptcy proceedings involving Sea Hawaii Rafting, LLC (Bankr. Case No. 14-01520). See, e.g., Barnes, 889 F.3d at 524, 532-35.

The Court understands that the bankruptcy court indicated in its Memorandum of Decision on Motions for Relief from Stay and Barton Doctrine and for Sanctions, filed on May 21, 2018, that it found no authority as to whether or not Plaintiff Barnes is entitled to such rental income. Bankr. Case

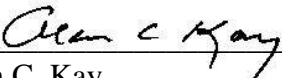
No. 14-01520, Dkt. No. 300 at p. 9 n.26. However, the Ninth Circuit held in its decision that the M/V Tehani had been in the constructive control of this Court, that this Court's jurisdiction over the vessel was exclusive, and that the bankruptcy court lacked jurisdiction over the vessel. Barnes, 889 F.3d at 524, 532-35. Accordingly, it appears appropriate that the \$10,000.00 in rental income from use of the M/V Tehani should be transferred to this Court.

The Court notes that these funds will then be available to Plaintiff Barnes to proceed with his intended pursuit of the seizure of the M/V Tehani, including funds to prepay the required fees for seizure under the admiralty rules.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, June 29, 2018.





Alan C. Kay
Sr. United States District Judge

Barnes v. Sea Hawaii Rafting, LLC, Kris Henry, M/V Tehani, et al., Civ. No. 13-00002 ACK-RLP, Directive to the United States Bankruptcy Court for the District of Hawaii.